

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

O'SHAW JOHNSON, No. CIV-S-01-1463 MCE/PAN P

Plaintiff,

v.

ORDER

J. MAYHEW,

Defendant.

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Plaintiff, a state prisoner proceeding pro se and in forma pauperis, filed this civil rights action seeking relief under 42 U.S.C. § 1983.

On September 15, 2005, the court granted summary judgment for defendant. Plaintiff appealed and requests a certificate of appealability. This court finds the appeal is in good faith; however, certificates of appealability pertain to habeas corpus, not civil rights, actions. See 28 U.S.C. § 2253.

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1 Thus, plaintiff's October 12, 2005, request for a certificate of
2 appealability is denied.

3 DATE: November 2, 2005

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7 MORRISON C. ENGLAND, JR.
8 UNITED STATES DISTRICT JUDGE
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